

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record compiled to date, the Board finds and concludes:

The preliminary hearing Order should be modified to order respondent and its insurance carrier to pay the medical expense incurred at the Stormont-Vail hospital emergency room and the medical charges of Dr. Ron Huffman and his referrals as authorized medical care.

The evidence is uncontradicted that claimant experienced sharp pain in her abdomen as her seat lurched to the side when the school bus that she was driving hit a bump. Claimant became nauseated and vomited. After completing her route and reporting the incident to her supervisors, claimant then went to the Stormont-Vail hospital emergency room where it was discovered that she had a small umbilical hernia. Claimant continued to have abdominal symptoms and on March 8, 2002, claimant saw Dr. Ron Huffman for her abdominal complaints. As the evidence is uncontradicted that claimant's abdominal complaints began with the work-related incident on March 4, 2002, and continued through her three treatments with Dr. Huffman, those medical bills should be paid by respondent and its insurance carrier as authorized medical care.

But the Board denies claimant's request for treatment of her hernia. The record is void of any expert medical opinion that claimant either developed or aggravated the umbilical hernia in the March 2002 incident. Furthermore, the record is void of any medical opinion that an accident as described by claimant would be medically sufficient to either cause or aggravate an umbilical hernia or that claimant's present symptoms are related to the small hernia.

The Board also denies claimant's request for medical treatment to her neck, back and hips. The symptoms in claimant's neck, back and hips began sometime after the March 2002 incident. But the record does not include any medical opinion that attributes those symptoms to the March 4, 2002 incident. Moreover, the record fails to establish what medical care claimant presently needs or that such medical treatment is in any way related to claimant's on-the-job injury.

In short, claimant has failed in proving that her request for additional medical treatment is related to her work-related accident.

As provided by the Workers Compensation Act, preliminary hearing findings are not final but, instead, subject to modification at the time of final award.¹

¹ K.S.A. 44-534a.

WHEREFORE, the Board modifies the July 18, 2002 Order and orders respondent and its insurance carrier to pay the medical charges claimant incurred at Stormont-Vail hospital's emergency room and the charges incurred with Dr. Huffman or his referrals. In all other respects, the Order is affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 2002.

BOARD MEMBER

c: Roger D. Fincher, Attorney for Claimant
Jeffrey A. Mullins, Attorney for Respondent and its Insurance Carrier
Bryce D. Benedict, Administrative Law Judge
Director, Division of Workers Compensation